

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sally Ness,

Plaintiff,

v.

ORDER AMENDING JUDGMENT

Civil No. 19-2882 ADM/DTS

City of Bloomington; Michael O. Freeman,
in his official capacity as Hennepin County
Attorney; Troy Meyer, individually and in his
official capacity as a police officer, City of
Bloomington; Mike Roepke, individually and
in his official capacity as a police officer,
City of Bloomington,

Defendants,

Attorney General's Office for the State of Minnesota,

Intervenor.

Consistent with the directive from the United States Court of Appeals for the Eighth Circuit, see Ness v. City of Bloomington, — F.4th —, No. 20-2571, 2021 WL 3918886 (8th Cir. Sept. 2, 2021), the Clerk of Court is directed to **AMEND** the Judgment in this case [Docket No. 95], as follows:

1. Defendant Michael O. Freeman's Motion to Dismiss [Docket No. 61] is

GRANTED;

2. Defendants City of Bloomington, Troy Meyer, and Mike Roepke's Motion to Dismiss [Docket No. 66] is **GRANTED IN PART and DENIED IN PART**. The Motion is granted as to all claims except the claim that Section 5.21(23) of Bloomington's City Code is unconstitutional as applied to Ness's photography and video recording of matters relating to a public controversy at Smith Park; and

3. Plaintiff Sally Ness' Motion for Summary Judgment [Docket No. 77] is **GRANTED IN PART and DENIED IN PART**. The Motion is granted as to Ness' claim that Section 5.21(23) of Bloomington's City Code is unconstitutional as applied to Ness's photography and video recording of matters relating to a public controversy at Smith Park. The Motion is denied as to all other claims.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: September 30, 2021